

ARMOR CLASS ACTION II

IF YOU PURCHASED AN AMERICAN BODY ARMOR™ OR SAFARILAND® ZYLON®-CONTAINING VEST BETWEEN AUGUST 13, 2004 AND AUGUST 29, 2005, PLEASE READ THE NOTICE BELOW, IT EFFECTS YOUR RIGHTS

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT IN AND FOR DUVAL COUNTY, FLORIDA

**SOUTHERN STATES POLICE BENEVOLENT
ASSOCIATION, INC., SHAUN CARLSON and
JASON ROSS On Behalf of Themselves And All
Others Similarly Situated,**

Plaintiffs,

vs.

**ARMOR HOLDINGS, INC., ARMOR HOLDINGS
PRODUCTS, LLC. and SAFARI LAND LTD., INC.**

Defendants.

**CLASS REPRESENTATION
CASE NO. 2005-CA-005925**

**CONSOLIDATED WITH
CLASS REPRESENTATION CASE NO.
2004-CA-2942**

**HON. BERNARD NACHMAN
CIRCUIT COURT JUDGE**

NOTICE OF PENDENCY OF CLASS ACTION, PROPOSED SETTLEMENT AND FINAL APPROVAL HEARING

TO: All law enforcement personnel and organizations, and other individuals, who purchased new American Body Armor™ or Safariland® ballistic resistant soft body armor containing Zylon® on or after August 13, 2004 through August 29, 2005, excluding Defendants, Defendants' affiliates, parents and subsidiaries, all directors, officials, agents, and employees of Defendants, Defendants' distributors, federal agencies and any persons who have been physically injured as a result of defects of their vests.

A lawsuit is pending in this court involving claims by the above named Plaintiffs that certain ballistic resistant soft body armor (vests) containing Zylon® manufactured by Defendants fail to meet the warranties provided with the vests.

In an Order dated September 7, 2005 the Court has preliminarily ruled that this case may be maintained for Settlement purposes on behalf of the Class identified above.

The purpose of this notice is to advise you of the status of the lawsuit, including a statement of your rights with respect to a proposed Settlement ("Settlement") of the case.

The NIJ Report

On August 24, 2005, the United States Department of Justice, National Institute of Justice, released its *Third Status Report to the Attorney General on Body Armor Safety Initiative Testing and Activities* ("Third NIJ Report"). The Third NIJ Report contains substantial documentation, scientific information and additional testing data on Zylon®-containing vests. In a release that accompanied issuance of the Third NIJ Report, the NIJ stated that it has identified Zylon® "as a material that appears to create a risk of death or serious bodily injury as a result of degraded ballistic performance when used in body armor." Consequently, all Zylon®-containing vests have been de-certified by the NIJ. **As a result of the actions of the NIJ, the parties have agreed that benefits should be provided to Class members as described below.**

TERMS OF PROPOSED SETTLEMENT

Subject to court approval, Named Plaintiffs and Defendants have agreed on a Settlement containing the following terms:

Class Members shall be entitled to choose one of the options set out below.

- A. Cash Option - The Class members shall be entitled to a cash payment from Defendants, if and only if, as follows:

Upon (a) submitting *definitive* proof of purchase (receipt, cancelled check, credit card receipt or other credible evidence showing actual purchase price paid for the vest), and (b) the return of both the front and back vest panels, Class members shall be entitled to a cash payment of 100% of the purchase price.

- B. Voucher Option - Upon (a) submitting *reasonable* proof of purchase (reasonable proof includes anything that constitutes *definitive* proof and also includes other proof such as a purchase order, or sales record, or a Class member showing his or her vest to the distributor and obtaining confirmation from the distributor reasonably acceptable to the Defendants as to purchase price), and (b) the return of both the front and back vest panels (the panels will not need to be returned prior to Class members receiving their replacement vests), Class members shall be entitled to a voucher equal to the full purchase price paid for their original vest, regardless of the original purchase date. If, however, a Class member produces his or her vest, but has no other proof of purchase, then Defendants shall confer with the distributor to determine the price paid for the vest for purposes of assigning a value to that Class member's voucher. These vouchers will be redeemable through any authorized distributor of Defendants for the purchase of any product manufactured by Defendants and sold through its authorized distributors. These vouchers expire one year from the date Defendants have five ballistic resistant concealable soft body armor models deemed to comply with the NIJ 2005 Interim Requirements (i.e., NIJ Notices of Compliance are issued by the NIJ for five such models), or January 1, 2007, whichever is later. The Defendants will work with their distributors to provide a process whereby Class members will not be required to pay for their replacement vests prior to receiving their vouchers.

All Class members will be required to return their vests, as indicated above.

EFFECT OF APPROVAL OF SETTLEMENT

In the event the Settlement is approved at the Final Approval Hearing (see below), the claims of Class members (except those who have excluded themselves from the Settlement) against Defendants will be released and extinguished, except to the extent that rights remain under the terms of the proposed Settlement.

FINAL APPROVAL HEARING

The court will hold a hearing in Courtroom One, Duval County Courthouse, 330 East Bay Street, Jacksonville Florida at **3:00 p.m. on October 27, 2005**, to hear any objections to the Settlement and to make a final determination as to whether to approve the Settlement as fair, adequate and reasonable under the facts and circumstances ("Final Approval Hearing").

At the Final Approval Hearing, the Court will also consider a request by counsel for named Plaintiffs and the Class for an award of attorney fees and expenses to be paid by Defendants. Plaintiffs' Counsels' fees and expenses may only be awarded after the Court has determined such fees and expenses are fair and reasonable. Payment of any such award, if approved, will only be made when the Settlement becomes Final and will not impact the benefits provided in this Settlement.

YOU HAVE A RIGHT TO PARTICIPATE IN THE SETTLEMENT, TO EXCLUDE YOURSELF FROM THE SETTLEMENT, OR TO OBJECT TO THE SETTLEMENT. INSTRUCTIONS FOR PARTICIPATING IN THE SETTLEMENT, EXCLUDING YOURSELF FROM THE SETTLEMENT, OR OBJECTING TO THE SETTLEMENT ARE CONTAINED IN THE ENCLOSED *ZYLON VEST EXCHANGE REGISTRATION & CLAIM FORM*.

RIGHT TO MAKE APPEARANCE

Any Class member who does not request exclusion may make an appearance at the Final Approval Hearing by yourself or through your own attorney. Attendance at the hearing is not necessary; however, Class members wishing to be heard orally in opposition to the Settlement should indicate in their written objection their intention to appear at the hearing. Class members who support the Settlement do not need to appear at the hearing or take any other action to indicate their approval, but must complete and submit a Claim Form by **December 1, 2005** in order to participate in the Settlement and receive benefits.

FURTHER PROCEEDINGS

If the Settlement is not approved, the parties will remain in the same position as they were prior to the Settlement and the litigation will continue.

ADDITIONAL INFORMATION

Any questions you have about the matters in this notice should NOT be directed to the Court, but may be directed in writing to:

Lead Class Counsel:

W. Pitts Carr, Esq.
CARR, TABB & POPE, LLP
10 North Parkway Square
4200 Northside Parkway, NW
Atlanta, Georgia 30327

Defendants' Lead Counsel:

Richard W. Hosking, Esq.
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM, LLP
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

You may, of course, seek the advice and guidance of your own attorney if you desire. The pleadings and other records in this litigation, including a complete copy of the Stipulation of Settlement may be examined and copied at any time during regular office hours at:

Office of the Clerk of Court
Circuit Court of Duval County, Florida
330 East Bay Street, Room 103
Jacksonville, Florida 32202

ZYLON VEST EXCHANGE REGISTRATION & CLAIM FORM ("Claim Form")

A Claim Form is enclosed. To participate in the Settlement, exclude yourself from the Settlement or object to the Settlement, follow the instructions in the Claim Form. The Claim Form is also available for downloading and may be submitted online at www.bodyarmor.com/zylon.

REMINDER OF TIME LIMITS

If you wish to participate in this Settlement you *must*: (a) complete and submit a Claim Form online at www.bodyarmor.com/zylon, by **December 1, 2005**; OR (b) complete and fax a Claim Form on or before **December 1, 2005** to the Claims Administrator at the number below; OR (c) submit a Claim Form to the Claims Administrator by mail, postmarked on or before **December 1, 2005** addressed to:

ARMOR CLASS ACTION II
Claims Administrator
P.O. Box 466
Traverse City, Michigan 49685-0466
Telephone: (866) 815-2914
Facsimile (800) 716-9829

If you wish to exclude yourself from participating in the Settlement, you shall be excluded if you: (a) complete and submit the Request For Exclusion Form online at www.bodyarmor.com/zylon on or before **October 21, 2005**; OR (b) complete and fax the Request For Exclusion section of the Claim Form to the Claims Administrator at (800) 716-9829 on or before **October 21, 2005**; OR (c) complete and submit the Request For Exclusion section of the Claim Form to the Claims Administrator by mail, postmarked on or before **October 21, 2005** and mail a copy to:

Lead Class Counsel:

W. Pitts Carr, Esq.
CARR, TABB & POPE, LLP
10 North Parkway Square
4200 Northside Parkway, NW
Atlanta, Georgia 30327

If you wish to object to the Settlement, you must file your written objection with the Clerk of Court by mail at the address below, postmarked on or before **October 21, 2005** and mail a copy to Lead Class Counsel at the address above.

Class members adversely affected by Hurricane Katrina and its aftermath in parts of Alabama, Louisiana or Mississippi, shall not be bound by the time limits above and should contact the Claims Administrator at the earliest practicable time for assistance.

This Notice is issued pursuant to the Preliminary Approval Order issued by the Honorable Bernard Nachman, Circuit Judge, dated September 7, 2005.

Office of the Clerk of Court
Circuit Court of Duval County, Florida
330 East Bay Street, Room 103
Jacksonville, Florida 32202